

1 Margitans allege that the Court made an error of law when it decided that the  
 2 Agreement between SRHD and Hannas setting forth a compliance schedule was a proper  
 3 use of SRHD's discretion. As support for their assertion, Margitans seek to expand the  
 4 decision relating to the waiver request to mean that SRHD did not have the legal authority  
 5 to enter into the Agreement with Hannas providing a timeline within which to bring the on-  
 6 site system into compliance. This is an allegation that the Court made an error of law,  
 7 which is not properly reviewable pursuant to CR 60(b).

8  
 9 Further, this interpretation reads too much into the waiver denial. First, it is clear  
 10 that the drain field is not permitted to stay in the easement permanently. The Agreement  
 11 provides that the system must be brought into compliance. The email from an employee of  
 12 DOH did not address the Agreement, only the waiver request, and is not inconsistent with  
 13 SRHD's actions.

14 Contrary to Margitans' allegation in his declaration, review in the Court of Appeals  
 15 is concluded upon issuance of a mandate, not the Court's decision. RAP 12.5. The  
 16 mandate was filed on July 22, 2016. *Declaration of Michelle K. Fossum*, ¶ 5, Exhibit C.

17  
 18 C. MARGITANS HAVE BEEN AWARE OF HANNAS' WAIVER REQUEST FOR  
 19 MORE THAN A MONTH.

20 Margitans further allege that they were unaware of the Hannas waiver request until  
 21 they received a response to their public records request on July 26 and accuse SRHD of  
 22 failing to timely supplement discovery responses. Margitans fail to inform the court that  
 23 they have been aware of the waiver request for more than a month.

24 Both the Margitans and their counsel were aware of SRHD's receipt of the waiver  
 25

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SRHD RESPONSE TO MOTION  
 PURSUANT TO CR60(b) . . . P. 3

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**Exhibit "N"**